

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Charles K. Verhoeven (Bar No. 170151)
3 charlesverhoeven@quinnemanuel.com
4 David A. Perlson (Bar No. 209502)
5 davidperlson@quinnemanuel.com
6 Melissa Baily (Bar No. 237649)
7 melissabaily@quinnemanuel.com
8 John Neukom (Bar No. 275887)
9 johnneukom@quinnemanuel.com
10 Jordan Jaffe (Bar No. 254886)
11 jordanjaffe@quinnemanuel.com
12 50 California Street, 22nd Floor
13 San Francisco, California 94111-4788
14 Telephone: (415) 875-6600
15 Facsimile: (415) 875-6700

16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 **PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
NOTICE OF SUBMISSION OF
INTERROGATORY DESIGNATIONS
PACKETS**

23 vs.

24 UBER TECHNOLOGIES, INC.;
25 OTTOMOTTO LLC; OTTO TRUCKING
26 LLC,

27 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully
 2 requests to file under seal portions of its Notice of Submission of Interrogatory Responses.
 3 Specifically, Waymo requests an order granting leave to file under seal the portions of the
 4 documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Appendix A	Entire Document	Defendants

5 **I. LEGAL STANDARD**

6 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or
 7 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under
 8 the law” (i.e., is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored
 9 to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials
 10 may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good
 11 cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*,
 12 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331
 13 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

14 **II. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

15 The Court should seal the documents identified by Waymo in the table above. Waymo seeks
 16 to file this information under seal because it discloses Waymo’s trade secrets. *See* Declaration of
 17 Felipe Corredor (“Corredor Decl.”) ¶¶ 3-5. Courts have determined that trade secret information
 18 merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No. 14-cv-03078, 2015 WL
 19 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade*
 20 *Comm’ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428, 2013 WL 211115, at *1, *3 (N.D. Cal.
 21 Jan. 17, 2013) (granting request to seal document that “consists entirely of descriptions of Brocade’s
 22 trade secrets”). Confidential business information that, if released, may “harm a litigant’s competitive
 23 standing” also merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978).
 24 Waymo seeks to seal trade secrets that fit squarely within these categories. Corredor Decl. ¶¶ 3-5.
 25 Waymo maintains this information as a trade secret (*see* Dkt. 25-31) and ensures the information

1 remains secret with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *See* Corredor
 2 Decl. ¶ 4. Waymo has narrowly tailored its requests to only information meriting sealing. *Id.* ¶ 5. In
 3 fact, both *Music Group* and *Brocade* found the confidential information at issue in those cases met the
 4 heightened “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL 3993147, at *1;
 5 *Brocade*, 2013 WL 211115, at *1, *3. The information that Waymo seeks to seal, therefore, also
 6 meets this heightened standard. The disclosure of Waymo’s trade secret information would harm
 7 Waymo. Corredor Decl. ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is
 8 consistent with other administrative motions to seal that have already been granted by the Court in this
 9 case. (*See, e.g.*, Dkt. 416, 414, 406, 393, 392.) Thus, the Court should grant Waymo’s administrative
 10 motion to seal.

11 **III. DEFENDANTS’ CONFIDENTIAL INFORMATION**

12 Waymo only seeks to seal the documents identified as designated by Defendants in the table
 13 above because Waymo believes such information is considered confidential or non-public by
 14 Defendants. Corredor Decl. ¶ 6. Waymo takes no position as to the merits of sealing any of
 15 designated material, and expects Defendants to file declarations in accordance with the Local Rules.

16 **IV. CONCLUSION**

17 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
 18 above listed documents accompany this Administrative Motion. For the foregoing reasons,
 19 Waymo respectfully requests that the Court grant Waymo’s administrative motion to file under
 20 seal.

21
 22 DATED: February 7, 2018

QUINN EMANUEL URQUHART & SULLIVAN,
 23 LLP

24 By /s/ Charles Verhoeven

25 Charles Verhoeven
 26 Attorneys for WAYMO LLC

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Charles K. Verhoeven (Bar No. 170151)
3 charlesverhoeven@quinnemanuel.com
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5 davidperlson@quinnemanuel.com
6 Melissa Baily (Bar No. 237649)
7 melissabaily@quinnemanuel.com
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12 50 California Street, 22nd Floor
13 San Francisco, California 94111-4788
14 Telephone: (415) 875-6600
15 Facsimile: (415) 875-6700

16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.
23 **DECLARATION OF FELIPE
24 CORREDOR IN SUPPORT OF
25 PLAINTIFF WAYMO LLC'S
26 ADMINISTRATIVE MOTION TO FILE
27 UNDER SEAL PORTIONS OF ITS
28 NOTICE OF SUBMISSION OF
INTERROGATORY RESPONSES**

29 Defendants.

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1 I, Felipe Corredor, declare as follows:

2 1. I am an attorney licensed to practice in the State of California and am admitted to
 3 practice before this Court. I am an associate at the law firm Quinn Emanuel Urquhart & Sullivan,
 4 LLP, counsel for the Plaintiff Waymo LLC (“Waymo”). I have personal knowledge of the matters set
 5 forth in this Declaration, and if called as a witness I would testify competently to those matters.

6 2. I make this declaration in support of Waymo’s Administrative Motion to File Under
 7 Seal Portions of Its Notice of Submission of Interrogatory Responses, filed concurrently herewith (the
 8 “Administrative Motion”). The Administrative Motion seeks an order sealing the following materials
 9 filed concurrently herewith:

Document	Portions to Be Filed Under Seal	Designating Party
Appendix A	Entire Document	Waymo; Defendants

12 3. Specifically, the documents identified in the table above as designated by Waymo
 13 contain or refer to trade secret information, which Waymo seeks to seal.

14 4. The documents identified in the table above contain, reference, and/or describe
 15 Waymo’s trade secrets. The information Waymo seeks to seal includes the confidential design and
 16 functionality of Waymo’s proprietary autonomous vehicle system, including its technical
 17 specifications and/or LiDAR designs, which Waymo maintains as secret. I understand that these trade
 18 secrets are maintained as secret by Waymo (Dkt. 25-47) and that the trade secrets are valuable to
 19 Waymo’s business (Dkt. 25-31). The public disclosure of this information would give Waymo’s
 20 competitors access to descriptions of the functionality or features of Waymo’s autonomous vehicle
 21 system. If such information were made public, I understand that Waymo’s competitive standing
 22 would be significantly harmed.

23 5. Waymo’s request to seal is narrowly tailored to those portions of Appendix A that
 24 merit sealing.

25 6. Waymo only seeks to seal the documents identified in the table above as designated by
 26 Defendants because Waymo believes such information is considered confidential or non-public by
 27 Defendants.

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that the foregoing is true and correct, and that this declaration was executed in San
3 Francisco, California, on February 7, 2018.

4 By /s/ Felipe Corredor
5 Felipe Corredor
6 Attorneys for WAYMO LLC

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8 **SIGNATURE ATTESTATION**

9 Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the
10 filing of this document has been obtained from Felipe Corredor.

11 /s/ Charles K. Verhoeven
12 Charles K. Verhoeven

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

WAYMO LLC,

CASE NO. 3:17-cv-00939-WHA

Plaintiff,

VS.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

**[PROPOSED] ORDER GRANTING
PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
NOTICE OF SUBMISSION OF
INTERROGATORY RESPONSES**

Defendants.

1 Plaintiff Waymo LLC (“Waymo”) has filed an Administrative Motion to File Under Seal
2 Portions of Its Notice of Submission of Interrogatory Responses (“Administrative Motion”).

3 Having considered the Administrative Motion, and good cause to seal having been shown,
4 the Court **GRANTS** Waymo’s Administrative Motion and **ORDERS** sealed the documents listed
5 below:

6 Document	7 Portions to Be Filed Under Seal	8 Designating Party
9 Appendix A	10 Entire Document	11 Defendants

12 **IT IS SO ORDERED.**

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